

REMARKS

In the Office Action mailed April 5, 2005, claims 1-3, 5 and 7 were rejected under 35 U.S.C. § 102(e) as being anticipated by Lee et al, U.S. Patent No. 6,456,604 (Lee), claims 4 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee, and claims 8 and 10 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants have rewritten claims 8 and 10 in independent form as new claims 11 and 12. Claims 8 and 10 have been cancelled. Furthermore, after a careful review of the Lee reference, Applicants submit that the invention cited within the remaining pending claims is not anticipated or obvious in view of the following remarks.

I. 35 U.S.C. § 102(e) Claim Rejections

Claims 1-3, 5 and 7 were rejected under 35 U.S.C. § 102(e) as being anticipated by Lee et al, U.S. Patent No. 6,456,604 (Lee). Applicant submits that “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single . . . reference.” (MPEP § 2131). “The identical invention must be shown in as complete detail as contained in the . . . claims.” (MPEP § 2131). As explained below, Applicants contend that Lee does not teach the identical invention in as complete detail as contained in Applicants’ currently pending claims. In particular, Applicants submit that Lee does not teach a method for transmitting a packet at a CDMA MAC layer control unit comprising “if the DTCH is not allocated before a control hold state timer is expired, transiting the MAC layer control unit of the MS to a suspended state or to a control hold state, wherein a probability of transiting to the

suspended state equals $(1-\mu_D)/T_c$ and a probability of transiting to the control hold state equals $(1-\mu_D)(1-(1/T_c))$ where the μ_D denotes a request rate of the DTCH and T_c denotes a control hold state timer value," as in claim 1.

Applicants submit that the Lee reference makes no mention regarding probabilities of transitioning into the various states of operation within the mobile communication system, and as such does not anticipate claims 1-3, 5 and 7.

II. 35 U.S.C. § 103(a) Claim Rejections

Claims 4 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee. Applicants submit that to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), the cited references must teach or suggest all the claim limitations. (MPEP § 2142). Applicants submit that Lee does not teach probabilities of transitioning into the various states of operation within the mobile communication system, as in claim 1, nor does Lee suggest such teachings.

III. Conclusion

Applicants respectively submit that in view of the remarks above, all of the pending claims are in condition for allowance. Applicants therefore respectfully request such action. The Examiner is invited to call the undersigned at (312) 913-3331 with any questions or comments.

Respectfully submitted,

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